

Message

From: Huetteman, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D4F706816D794558BD3643F83D1AD9CB-THUETTEM]
Sent: 10/22/2014 9:18:30 PM
To: Blumenfeld, Jared [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=daca728d1be7465b9809ef15e7e0e3c6-JBLUMENF]
CC: Armann, Steve [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0e0ea7a009d4d75bc7bea58747ccf9e-SARMANN]; Strauss, Alexis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=848eb244e96a4f04a105967ea264320b-ASTRAUSS]; Lieben, Ivan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5e2ce2c7dc6484d9d2b0802e4c735c8-ILIEBEN]; Zito, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=77b35bcb5354401dbc1c29cd98fb97fa-KZITO]; Keener, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=db84cd2497b54cceb83aec253555398e-BKEENER]; Scott, Jeff [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=afac6d298397450094bd69bce7b3746f-JSCOTT]; Gaudario, Abigail [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cf8fc9adec8248469a8fbb666bcbceeb-AGAUDARI]
Subject: Next Revision of the Malibu Letter
Attachments: Malibu Revised Draft Oct 22 2014.docx

Flag: Flag for follow up

Jared,

Thank you for your comments on the Malibu letter. I made revisions to the letter (pasted below and attached) and we will also fax you the new copy. We do not need to send this out this week, so feel free to wait until you are back in the office to go over any other changes.

I also wanted to respond to two comments you had. You asked whether removal of PCB-caulk is conditioned upon our approval of the procedures for handling the substrate (i.e., the remediation waste). The answer is no. The District can remove caulk without our approval of the procedures for remediation waste; however, the ongoing "use" of the substrate is a violations unless they get our approval or elect the more onerous self-implementing cleanup option. You also asked about the summary of the sample results and whether we could take this out. HQ asked us to include this detail because of the possibility that we could be sued. We need the letter to provide the basis for our regulatory finding of "no unreasonable risk."

Tom

Dear Superintendent Lyon:

Thank you for submitting your polychlorinated biphenyl (PCBs) cleanup application to EPA. The application consists of the "Site-Specific PCB-Related Building Materials Management, Characterization and Remediation Plan for the Library and Building E Rooms 1, 5, and 8 at Malibu High School" dated July 2014 as subsequently amended^[1]. The application addresses removal of PCB-containing caulk, remediation of the substrate in contact with this caulk, verification sampling, and continued implementation of best management practices (BMPs).

^[1] The District's application was amended by an email message from Jan Maez to Tom Huetteman on August 14, 2014 and the "Supplemental Removal Information for the Library, Building E - Rooms 1, 5, and 8 and Building G - Room 506 at Malibu High School" dated September 26, 2014.

The Toxic Substances Control Act (TSCA) regulations prohibit the use of caulk containing PCBs at or above 50 ppm (PCB-containing caulk). When found, PCB-containing caulk must be removed and disposed of in accordance with TSCA regulations. Under the District's plan contained in the application, the District proposes to (1) remove PCB-containing caulk currently known and verified at Malibu High School within 10 months (or no later than June 30, 2015); and (2) remove any newly discovered PCB-containing caulk within one year after the District verifies that the caulk contains PCBs at or above 50 ppm.

Pursuant to 40 CFR 761.61(c), EPA is approving the following procedures from the District's application to address the substrate in contact with the PCB-contaminated caulk (known as PCB remediation waste) at Malibu High School (MHS) and Juan Cabrillo Elementary School (JCES). These procedures apply to substrate in contact with presently identified PCB-contaminated caulk as well as such areas identified in the future:

- Porous substrates (e.g., concrete) will receive the following treatment after PCB-containing caulk is removed: Surface preparation and application of a double coat of a non-VOC epoxy-based sealant followed by application of new caulk. After consultation with EPA, surface wipe verification testing will be performed.
- Non-porous substrates (e.g., metal) will be decontaminated with a solvent to achieve a surface wipe concentration of less than 1 ug/100 cm² based on verification wipe tests.
- BMPs will be implemented regularly with weekly, monthly and annual procedures.
- After consultation with EPA, periodic air and surface wipe samples will be collected to monitor the overall effectiveness of the remediation measures.
- Removal or decontamination of porous substrates to 1 ppm will occur at the time of major renovation or demolition.

An approval under 40 CFR 761.61(c) requires EPA to make a finding that PCB remediation wastes remaining in place at MHS and JCES will not pose an unreasonable risk of injury to health or the environment. EPA is hereby making a finding that the District meets this TSCA standard for MHS and JCES based on the BMPs implemented and air and surface wipe samples data from the two schools as discussed below.

Following EPA guidance, the District implemented a plan of BMPs that included improved cleaning procedures, identification and removal of PCB-containing florescent light ballasts, and inspection and repair of deteriorating caulk. To evaluate exposures to PCBs and the effectiveness of BMPs, the District collected 163 air and 503 surface wipe samples.

The air and surface wipe testing results were compared to health-protective screening levels. All but two pre-BMP and none of the post-BMP air samples were below applicable EPA public health levels for air. Of the 503 surface wipe samples, 482 were below the health-based screening level of 1 ug/100 cm² and 84% of all samples were non-detect. After BMPs, only two locations exceeded the screening level for surface wipes. In one location, the wipe sample was collected directly from the caulk surface. That caulk will be removed, and none of the other 8 wipe sample locations in that room were above the screening level. The other room with one location above the screening level post-BMP was only slightly above that level (at 2.6 ug/100 cm²) while nine other post-BMP surface wipe locations from throughout the same room were non-detect. This data demonstrates that the PCB exposure pathways of greatest concern, namely air and dust, are being addressed in a manner that makes the schools safe.

This EPA approval does not cover the removal or disposal of the PCB-contaminated caulk itself because the TSCA PCB regulations do not require EPA approval of caulk disposal so long as the disposal is in accordance with 40 CFR 761.62(a) or (b). EPA's approval does apply to the remediation measures pertaining to the PCB remediation waste in contact with the PCB-contaminated caulk.

Finally, this approval does not relieve the District and its consultants from complying with other applicable TSCA PCB and Federal regulations, or state and local regulations and permits. Departure from this approval

without prior written permission from EPA may result in revocation of this approval. If additional information demonstrates that EPA can no longer make a no unreasonable risk determination, EPA will modify or revoke the approval.

We appreciate the District's efforts in addressing PCBs at schools within the District. Please call Steve Armann at 415.972.3352 if you have questions regarding this TSCA PCB approval.

Sincerely,

Jeff Scott,

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